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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,978	05/08/2001	Ravi Ganesan	23952-0128	1075
29052 7590 01/24/2007 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/849,978		GANESAN ET AL.	
	Examiner		Art Unit	
	Jennifer Liversedge		3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 73-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 73-112 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/849,978 filed on October 23, 2006.

The amendment contains new claims: 73-112.

Claims 1-72 have been canceled.

Claim Objections

Claim 103 is objected to because of the following informalities: claim 103 cites dependence from claim 92, Examiner believes it is intended that claim 102 depend from claim 93. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 73-83, 85-103 and 105-112 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 7,089,208 B1 to Levchin et al. (further referred to as PayPal).

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Regarding claim 73, PayPal discloses a method (columns 1-17) comprising:

Receiving, via a network, a payment request to make a payment on behalf of a payor to a payee (column 3, lines 54-62 and column 7, lines 17-67);

Determining whether or not the payee is a registered member based at least in part on the payment request (column 7, lines 53-67; column 10, line 66 – column 11, line 22);

If the payee is a registered member, causing funds to be released in the amount of the payment upon the occurrence of at least one first triggering event (column 12, lines 8-19; column 13, lines 1-14); and

If the payee is not a registered member, causing funds to be released in the amount of the payment upon the occurrence of at least one second triggering event (column 12, lines 8-19; column 13, lines 15-25).

Regarding claim 93, PayPal discloses a system (columns 1-17) comprising:

A communications port configured to receive and to transmit information via a network (Figure 1; columns 5-6);

A memory configured to store programming and other data (Figure 1; columns 5-6); and

A processor in communication with the communications port and the memory (Figure 1; columns 5-6) and configured to:

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Receive, via the communications port, a payment request to make a payment on behalf of a payor to a payee (column 3, lines 54-62 and column 7, lines 17-67);

Determine whether or not the payee is a registered member based at least in part on the payment request (column 7, lines 53-67; column 10, line 66 – column 11, line 22);

If the payee is a registered member, causing funds to be released in the amount of the payment upon the occurrence of at least one first triggering event (column 12, lines 8-19; column 13, lines 1-14); and

If the payee is not a registered member, causing funds to be released in the amount of the payment upon the occurrence of at least one second triggering event (column 12, lines 8-19; column 13, lines 15-25).

Regarding claims 74-79, and 94-99, Paypal discloses the method and system comprising:

Securing the funds from an account of the payor and to a payee where the account of payor and payee is a credit account, a deposit account, a savings account, or a brokerage account (column 4, lines 48-52; column 1, lines 19-22; column 16, lines 21-58);

Wherein securing the funds is performed prior to the accordance of the at least one first triggering event or the at least one second triggering event and credited to an account of a service provider prior to release to payee (column 10, lines 34-65; column 12, lines 8-35; column 13, lines 1-14); and

Regarding claims 80-81, 85-86, 100-101 and 105-106, PayPal discloses the method and system wherein the at least one first triggering event includes at least one of (i) receipt of funds from the payor and (ii) lapse of a predetermined amount of time wherein lapse of the predetermined amount of time includes lapse of the predetermined amount of time after initiating a debit of funds from an account of the payor (column 12, lines 28-35; column 13, lines 1-14).

Regarding claims 82-83 and 102-103, PayPal discloses the method and system wherein:

The at least one first triggering event includes receiving at least a unique identifier from the payee (column 5, lines 29-34; column 8, lines 48-49; column 9, lines 20-22; column 11, lines 11-14); and

The at least one second triggering event includes receiving notification of registration of the payee (column 5, lines 40-41; column 7, lines 41-45).

Regarding claims 87-91 and 107-111, PayPal discloses the method and system (columns 1-17) wherein:

The payment request includes a payment amount and a payee identifier including payee email address (column 4, lines 5-19; column 9, lines 4-8);

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Transmitting a notice to the payee of the availability of funds (column 4, lines 5-19; column 8, lines 15-20; column 10, line 66 – column 11, line 14; column 13, lines 1-14); and

If the payee is not a registered member, transmitting a notice of availability of payment to the payee with a request for the payee to register (column 4, lines 5-19; column 8, lines 15-20; column 11, lines 15-31; column 13, lines 15-24).

Regarding claims 92 and 112, PayPal discloses wherein the at least one second triggering event includes non-registration of the payee within a predetermined amount of time, and upon occurrence of the at least one second triggering event, causing funds to be released in the amount of the payment to an account of the payor (column 12, lines 31-35; column 14, line 66 – column 15, line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 84 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over PayPal.

PayPal does not specifically disclose securing funds from an account of the payor subsequent to the occurrence of the at least one second triggering event. However, PayPal does disclose where funds may automatically be debited for a transfer, but that account updates may be postponed until a later stage of the procedure (column 10, lines 57-65) and where the payor account may be debited as soon as the transaction is communicated to the system (column 12, lines 23-26). The fact that PayPal specifically discloses that the account may be debited as soon as the transaction is communicated, or may be postponed until a later time, clearly indicates that while funds may be immediately transferred from the payor's account in one embodiment, funds may not be transferred until a later time in another embodiment. It would be obvious to one of ordinary skill in the art at the time of the invention to include a mechanism by which funds are not transferred from the payor account until the second triggering event occurs. The motivation would be that if a payee is not going to register for the system, for example, then the funds are not going to be transferred via the system and there is no need for the payor's account to be debited by the system.

Response to Arguments

Applicant's arguments with respect to claims 73-112 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

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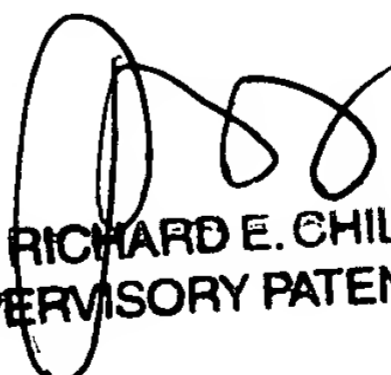
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER